

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVE MACRINA, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

J. RODGER MOYER, JR., THOMAS  
DAUTRICH, GEORGE W. GRANER,  
EQUIPMENT FINANCE, LLC, and  
BANK OF LANCASTER, N.A.,

Defendants.

Civil Action No. 07-CV-4108

ECF Filed

(Captions continued on subsequent page)

**RESPONSE OF THE SAN ANTONIO FIRE & POLICE PENSION FUND AND  
THE EMPLOYEES RETIREMENT SYSTEM OF THE CITY OF ST. LOUIS TO  
MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFFS**

BRIAN JOHNSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

STERLING FINANCIAL CORP., J.  
RODGER MOYER, JR, J. BRADLEY  
SCOVILL and TITO L. LIMA,

Defendants.

Civil Action No. 07-CV-4652

CASTLE STRATEGIC TRADING LLC,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

J. RODGER MOYER, JR., THOMAS  
DAUTRICH, GEORGE W. GRANER,  
EQUIPMENT FINANCE, LLC, and  
BANK OF LANCASTER, N.A.,

Defendants.

Civil Action No. 07-CV-5594

JEFFREY M. COOLEY, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

STERLING FINANCIAL CORP., J.  
RODGER MOYER, JR, J. BRADLEY  
SCOVILL and TITO L. LIMA,

Defendants.

Civil Action No. 07-CV-5671

The San Antonio Fire & Police Pension Fund (“San Antonio”) and the Employees Retirement System of the City of St. Louis (“St. Louis”) respectfully submit this response to the pending motions concerning the appointment of Lead Plaintiffs in these actions. We have reviewed the submissions of the other movants seeking appointment as Lead Plaintiffs. Based on our review, it appears that the Public Employees Retirement System of New Mexico and the New Mexico Educational Retirement Board (the “New Mexico Funds”) assert the largest financial interest in this action of any movant herein. Of the remaining movants, San Antonio and St. Louis assert the largest financial interest in this action, second only to the New Mexico Funds. Should the Court decline to appoint the New Mexico Funds as Lead Plaintiffs for any reason, San Antonio and St. Louis respectfully submit that the court should appoint San Antonio and St. Louis as Lead Plaintiffs by virtue of their financial interest in this action and otherwise grant their motion.

Dated: August 7, 2007

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ Gerald H. Silk

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